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PATENT TRADEMARK OFFICE

Docket No.: 3158/0G015-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 1 2 2002

In re Application of: Tsung-Wei LIN

Serial No.: 09/290,608 ✓

Filed:

April 13, 1999

Technology Center 2600

Art Unit: 2772

Examiner:

VO, CLIFF

For: METHOD OF PROCESSING DIVERSE THREE-DIMENSIONAL GRAPHIC OBJECTS

**PETITION UNDER 37 C.F. 1.181 TO RESET THE SHORTED STATUTORY PERIOD
IN WHICH TO RESPOND TO A FIRST OFFICE ACTION**

August 1, 2002

BOX DAC

Assistant Commissioner of Patents

Washington, DC 20231

Sir:

1. Petition is hereby made to established a new shortened statutory period for responding to a first Office Action.
2. A copy of an Office Action dated October 4, 2001 is submitted herewith.

(Exhibit A)

09/290,608 00230500

09/290,608

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OFFICE OF PETITIONS

3. A copy of the stamp from the mail room of the Office of the undersigned (Exhibit B)
4. A copy of the envelope in which the Office Action was mailed bearing the mark of the U.S. Postal Service is submitted herewith. (Exhibit C)
3. The reason why a new shortened statutory period for responding to a first Office Action is necessary in this case is as follows:

The Office Action (Exhibit A) was considered by Examiner Cliff VO.

Form PTO-1449 indicated that he considered the reference cited therein on or about June 6, 2001.

According to the PALM system, the Office Action was mailed on June 6, 2001. This Office Action is also incomplete in that page 4 is missing.

The Office Action has a mail date of October 4, 2001, more than four months after the date that the references were considered by the Examiner.

In response to Applicants failure to respond to the outstanding Office Action, a Notice of Abandonment was mailed on May 6, 2002. To date, Applicant has not received a copy of the Notice of Abandonment. A check of the records indicates that the correspondence address that is on record with the PTO is the present address of the undersigned.

As shown by Exhibit B, the Office Action was received by the Office of the undersigned on April 30, 2002. Based on the mailing date of the Office Action of October 4, 2001, a Response within the shortened statutory period would have been due on January 4, 2002. However, Applicant was not afforded a full and fair opportunity to respond to the Office Action based on the receipt thereof on April 30, 2002. Under the Statute, the application was technically abandoned when Applicant received the first Office Action.

The postmarked envelope (Exhibit C) indicates that the day and year that the Office Action was mailed is "25" and "2002," respectively; the month is illegible. Applicant respectfully submits that this is evidence that indicates the Office Action was not mailed to the Office of the undersigned until April 25, 2002. This date clearly deprived applicant of the opportunity to respond to the merits of the Office Action to which Applicant is clearly entitled.


Based on the foregoing, Applicants respectfully maintain that the establishment of a new shortened statutory period for responding to a first Office Action is in order, and a notice to this effect is respectfully solicited.

4. The petition fee under 37 C.F.R. § 1.17(h) is paid as follows:

A check in the amount of \$130.00 is attached.

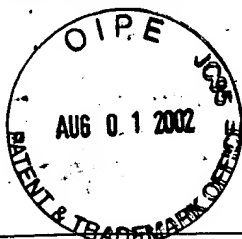
Respectfully submitted,

Date: August 1, 2002


Alphonso A. Collins
Reg. No. 43,559
Attorney for Applicant(s)

DARBY & DARBY P.C.
805 Third Avenue
New York, New York 10022
212-527-7700

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UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/290,608	04/13/99	LIN	LIN-2

3158/06015

DARBY & DARBY PC
805 THIRD AVENUE
NEW YORK NY 10022

WM21/1004

EXAMINER

VO,C

DUE:

Docketed on _____ by _____ for

Docketed without file ☐

Attorney _____

ART UNIT

PAPER NUMBER

2671

DATE MAILED: 10/04/01

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Please find below and/or attached an Office communication concerning this application or proceeding.

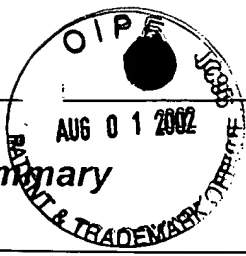
Commissioner of Patents and Trademarks

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OFFICE OF PETITIONS

Office Action Summary

Application No.
09/290,608

Applicant(s)

Eberhardt, Jr.

Examiner

Cliff N. Vo

Art Unit

2671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

RECEIVED**AUG 12 2002****Technology Center 2600**1) ☐ Responsive to communication(s) filed on _____2a) ☐ This action is FINAL.2b) ☒ This action is non-final.3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-9 is/are pending in the application4a) Of the above, claim(s) none is/are withdrawn from consideration5) ☐ Claim(s) _____ is/are allowed.6) ☒ Claim(s) 1-9 is/are rejected.7) ☐ Claim(s) _____ is/are objected to.8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

9) ☐ The specification is objected to by the Examiner.10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).a) ☒ All b) ☐ Some* c) ☐ None of:1. ☒ Certified copies of the priority documents have been received.2. ☐ Certified copies of the priority documents have been received in Application No. _____3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**RECEIVED****AUG 07 2002**

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)18) ☐ Interview Summary (PTO-413) Paper No(s). _____16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)19) ☐ Notice of Informal Patent Application (PTO-152)17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 and 520) ☐ Other:**OFFICE OF PETITIONS**

Art Unit: 2671



DETAILED ACTION

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Priority

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1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The IDS papers filed 8/4/1999 and 2/21/2001 have been received and placed in the record of file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by the Applicant's Admitted Prior Art (pages 1-4 of the present specification).

As per independent claim 1, the AAPA discloses a method and system for achieving 3-D effect using the relation map function (page 2, lines 21-22) comprising a step of determining a

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Art Unit: 2671

directional relation corresponding to the pixels, wherein the directional relation defines relations between the pixels and edges of the 2-D graphic object (page 2, lines 22-29), a step of generating Z-axis parameters corresponding to the pixels in response to the directional relation with an effect function, wherein the effect function renders the Z-axis parameters responsive to a relation limit varied with directions of the directional relation (page 2, line 29 through page 3, line 8), and a step of rendering the 3-D graphic object in response to the 2-D graphic object and the Z-axis parameters (page 3, lines 3-8).

As per dependent claim 2, the AAPA further inherently discloses wherein each of the pixels comprises red, blue, green and alpha channel data.

As per dependent claim 3, the AAPA further discloses wherein each of the directional relation defines relative edge positions of the 2-D graphic object closet to the pixels (page 2, lines 25-32).

Due to the similarity of claims 4-9 to claims 1-3, they are rejected under a similar rationale.

Conclusion

5. **Any response to this action should be mailed to:**

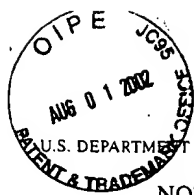
Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:



09/29060

NOTICE OF DRAFTSPERSON'S PATENT DRAWING REVIEW

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The drawing(s) filed (insert date) 4/13/99 are:A. ☐ approved by the Draftsperson under 37 CFR 1.84 or 1.152.B. ☒ objected to by the Draftsperson under 37 CFR 1.84 or 1.152 for the reasons indicated below. The Examiner will require submission of new, corrected drawings when necessary. Corrected drawing must be submitted according to the instructions on the back of this notice.

<p>1. DRAWINGS. 37 CFR 1.84(a): Acceptable categories of drawings: <u>Black ink. Color.</u> <u>Color drawings are not acceptable until petition is granted.</u> Fig(s) <u>1, 2</u> <u>Pencil and non black ink not permitted.</u> Fig(s) _____</p> <p>2. PHOTOGRAPHS. 37 CFR 1.84(b) <u>1 full-tone set is required.</u> Fig(s) _____ <u>Photographs not properly mounted (must use bristol board or photographic double-weight paper).</u> Fig(s) _____ <u>Foor quality (half-tone).</u> Fig(s) _____</p> <p>3. TYPE OF PAPER. 37 CFR 1.84(c) <u>Paper not flexible, strong, white, and durable.</u> Fig(s) _____ <u>Erasures, alterations, overwritings, interlineations, folds, copy machine marks not accepted.</u> Fig(s) _____ <u>Mylar, velum paper is not acceptable (too thin).</u> Fig(s) _____</p> <p>4. SIZE OF PAPER. 37 CFR 1.84(f): Acceptable sizes: <u>21.0 cm by 29.7 cm (DIN size A4)</u> <u>21.6 cm by 27.9 cm (8 1/2 x 11 inches)</u> <u>All drawing sheets not the same size.</u> <u>Sheet(s)</u> _____ <u>Drawings sheets not an acceptable size.</u> Fig(s) _____</p> <p>5. MARGINS. 37 CFR 1.84(g): Acceptable margins: <u>Top 2.5 cm Left 2.5cm Right 1.5 cm Bottom 1.0 cm</u> <u>SIZE: A4 Size</u> <u>Top 2.5 cm Left 2.5 cm Right 1.5 cm Bottom 1.0 cm</u> <u>SIZE: 8 1/2 x 11</u> <u>Margins not acceptable.</u> Fig(s) _____ <u>Top (T) _____ Left (L) _____</u> <u>Right (R) _____ Bottom (B) _____</u></p> <p>6. VIEWS. 37 CFR 1.84(h) <u>REMINDER: Specification may require revision to correspond to drawing changes.</u> <u>Partial views. 37 CFR 1.84(h)(2)</u> <u>Brackets needed to show figure as one entity.</u> Fig(s) _____ <u>Views not labeled separately or properly.</u> Fig(s) _____ <u>Enlarged view not labeled separately or properly.</u> Fig(s) _____</p> <p>7. SECTIONAL VIEWS. 37 CFR 1.84 (h)(3) <u>Hatching not indicated for sectional portions of an object.</u> Fig(s) _____ <u>Sectional designation should be noted with Arabic or Roman numbers.</u> Fig(s) _____</p>	<p>8. ARRANGEMENT OF VIEWS. 37 CFR 1.84(i) <u>Words do not appear on a horizontal, left-to-right fashion when page is either upright or turned so that the top becomes the right side, except for graphs.</u> Fig(s) _____</p> <p>9. SCALE. 37 CFR 1.84(k) <u>Scale not large enough to show mechanism without crowding when drawing is reduced in size to two-thirds in reproduction.</u> Fig(s) _____</p> <p>10. CHARACTER OF LINES, NUMBERS, & LETTERS. 37 CFR 1.84(i) <u>Lines, numbers & letters not uniformly thick and well defined, clean, durable, and black (poor line quality).</u> Fig(s) _____</p> <p>11. SHADING. 37 CFR 1.84(m) <u>Solid black areas pale.</u> Fig(s) _____ <u>Solid black shading not permitted.</u> Fig(s) _____ <u>Shade lines, pale, rough and blurred.</u> Fig(s) _____</p> <p>12. NUMBERS, LETTERS, & REFERENCE CHARACTERS. 37 CFR 1.84(p) <u>Numbers and reference characters not plain and legible.</u> Fig(s) _____ <u>Figure legends are poor.</u> Fig(s) _____ <u>Numbers and reference characters not oriented in the same direction as the view.</u> 37 CFR 1.84(p)(1) Fig(s) _____ <u>English alphabet not used.</u> 37 CFR 1.84(p)(2) Figs _____ <u>Numbers, letters and reference characters must be at least .32 cm (1/8 inch) in height.</u> 37 CFR 1.84(p)(3) Fig(s) _____</p> <p>13. LEAD LINES. 37 CFR 1.84(q) <u>Lead lines cross each other.</u> Fig(s) _____ <u>Lead lines missing.</u> Fig(s) _____</p> <p>14. NUMBERING OF SHEETS OF DRAWINGS. 37 CFR 1.84(t) <u>Sheets not numbered consecutively, and in Arabic numerals beginning with number 1.</u> Sheet(s) _____</p> <p>15. NUMBERING OF VIEWS. 37 CFR 1.84(u) <u>Views not numbered consecutively, and in Arabic numerals, beginning with number 1.</u> Fig(s) _____</p> <p>16. CORRECTIONS. 37 CFR 1.84(w) <u>Corrections not made from prior PTO-948 dated _____</u></p> <p>17. DESIGN DRAWINGS. 37 CFR 1.152 <u>Surface shading shown not appropriate.</u> Fig(s) _____ <u>Solid black shading not used for color contrast.</u> Fig(s) _____</p>
<p>COMMENTS</p>	

REVIEWER

A.D.

DATE

5/27/99

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ATTACHMENT TO PAPER NO.

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